SUPREME COURT OF THE UNITED STATES,

No. 97.

THE UNITED STATES, PLAINTIFFS IN ERROR,

VS.

SIXTY-SEVEN PACKAGES OF DRY GOODS—JULES LEVOIS, CLAIMANT, &c.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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070.

CIRCUIT COURT OF THE UNITED STATES,
Fifth Circuit, Eastern District of Louisiana.

A transcript of the record and proceedings in the case of

THE UNITED STATES
vs.
67 PACKAGES OF DRY GOODS,
Jules Levois, claimant.
} No. 1947.

Petition for Writ of Error.—Filed 15th April, 1850.

To the honorable the judges of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana:

The petition of the United States respectfully represents, that lately, to wit: on the 10th day of April, 1850, a judgment was rendered against these petitioners by the honorable the district court of the United States for the eastern district of Louisiana, in the case of the United States vs. Sixty-seven Packages of Dry Goods, No. 6621 of the docket of the said court; and that petitioner believes there is error in said judgment to the prejudice of petitioner, and that they feel aggrieved thereby, and are desirous of having the proceedings in said cause examined by this court. Wherefore they pray that a writ of error may issue to the said court, commanding that the record and proceedings had in said cause be certified to this court to be proceeded in according to law.

LOGAN HUNTON,
U. S. Attorney.

And afterwards, to wit: on the 15th day of April, A. D. 1850, the following entry was made on the minutes:

THE UNITED STATES
vs.
67 PACKAGES OF DRY GOODS.
} No. 1947.

On the motion of Logan Hunton, Esq., United States district attorney, and on his filing a petition representing to the court that the plaintiffs feel aggrieved at the judgment rendered herein by the honorable the district court of the United States for the eastern district of Louisiana, and praying for a writ of error to issue to the said court, returnable to the next term of this court, it is therefore ordered that a writ of error be, and the same is hereby allowed to the said plaintiffs as prayed for.

Writ of Error.

UNITED STATES OF AMERICA, *ss.*

The President of the United States to the honorable the judge of the district court of the United States in and for the eastern district of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the final judgment of a plea, which is in the said district court before you, between the United States and Sixty-seven Packages of Dry Goods, a manifest error has happened to the great damage of the said United States, as by their complaint appears, we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the circuit court of the United States for the fifth circuit and eastern district of Louisiana, together with the writ, so that you *so that you* have the same at New Orleans on the fourth Monday of April, 1850, to be then and there held, that the record and proceedings aforesaid being inspected, the said circuit court may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the honorable R. B. Taney, Chief Justice of the Supreme Court of the United States, at New Orleans, this 15th April, 1850.

[SEAL.]

J. W. GURLEY, *Clerk.*

Transcript of the record and proceedings in the United States district court, filed 20th April, 1850.

UNITED STATES DISTRICT COURT,
Eastern district of Lousiana.

THE UNITED STATES OF AMERICA
vs.
SIXTY-SEVEN PACKAGES DRY GOODS. } No. 6621.

Be it remembered that heretofore, to wit: on the fifth day of October, A. D. 1849, Logan Hunton, Esq., attorney of the United States for the said eastern district of Louisiana, appeared, and in the office of the clerk of the United States district court for said district, caused to be filed, under the fourth section of the act of May 28th, 1830, the following

Libel of Information.

1849—October 5th.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

District court, May term—1849.

To the honorable Theodore H. McCabb, judge of the district court of the United States for the eastern district of Louisiana:

Be it remembered, that on the fifth day of October, in the year of our Lord one thousand eight hundred and forty-nine, before the honorable Theodore H. McCabb, judge as aforesaid, comes, in his own proper person, Logan Hunton, attorney of the United States of America for the aforesaid district, and in the name and behalf as well of the United States as of Samuel J. Peters, Esq., collector of the customs of the port of New Orleans, in said district, and of all other persons concerned, propounds and gives the said judge to understand and be informed, that the said Samuel J. Peters, Esq., collector as aforesaid, on the 28th day of September, in the year eighteen hundred and forty-nine, at said New Orleans, in the district aforesaid, and within the jurisdiction of this honorable court, on land did seize and now hath in his custody as being forfeited to the United States of America, for the causes hereinafter mentioned, the following sixty-seven packages of goods, wares, and merchandise, viz: Sixty-one packages, marked [J L] ‡ 1, 2, 3, 4, 5, 6, 7, 8, 9, 9½, 10, 11, 12, 13, 14, 15, 16, 16½, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 68, 69, 70, 71; six packages, marked F P ‡ 89, 90, 91, 92, 93, 94; the said sixty-seven packages of goods, wares, and merchandise being the chattels and property of some person or persons unknown to the said United States of America and their said attorney.

For that the said goods, wares, and merchandise, before the seizure thereof, were imported into the port of New Orleans, and district aforesaid, viz: on the 3d day of September, 1849, on board of a ship or vessel called the Gossyppium, from a foreign port or place, viz: the port of Liverpool, in the kingdom of Great Britain, and were then and there subject to the payment of ad valorum duties by the statutes of the United States in such cases made and provided. That an entry of said goods, wares, and merchandise, duly signed, was made at the office of the collector of customs aforesaid; and on such entry being made, a certain invoice of the said goods, wares, and merchandise was produced and left with the said collector; and the said collector thereupon, viz: on the 7th September, 1849, and at the port aforesaid, according to the statutes of the United States in

such cases made and provided, caused the aforesaid packages of the said goods, wares, and merchandise to be opened and examined, and upon such examination of said packages, and on a due inspection and appraisement of the goods, wares, and merchandise contained in the aforesaid entry, it was found and is hereby charged, that the aforesaid invoice, and the said packages themselves, were made up with intent, by a false valuation, to evade and defraud the revenue of the United States, contrary to the form of the statutes of the United States in such cases made and provided; whereby, and by force of the statute in such cases made and provided, the said goods, wares, and merchandise became and are forfeited. Wherefore, the said attorney of the United States prays the consideration of this honorable court in the premises, and for monition and other proper process, to the end that the said sixty-seven packages of goods, wares, and merchandise, marked and numbered as aforesaid, may be and remain forfeited, and be condemned by the definitive sentence and decree of this honorable court, as forfeited to the use of the United States of America, according to the statutes in such cases made and provided.

(Signed) LOGAN HUNTON,
United States Attorney for the eastern district of Louisiana.

1849—October 5th.

Whereupon, on the same day, was issued from the clerk's office the following

Attachment and monition.

The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to attach, and into your possession take the following goods, wares, and merchandise now in the custody of Samuel J. Peters, Esq., collector of the customs for the port of New Orleans, to wit:

67 { 61—sixty-one packages, marked [J L] ‡ 1, 2, 3, 4, 5, 6, 7, 8, 9, 9½, 10, 11, 12, 13, 14, 15, 16, 16½, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 68, 69, 70, 71.
6—six packages, marked F. P. ‡ 89, 90, 91, 92, 93, 94; making in all 67 packages,

brought into this port, aboard the ship Gossyppium from Liverpool, and discovered to have been invoiced with intent to defraud the revenue of the United States in violation of the fourth section, act of 28th May, 1830, and therefore now libelled by the United States of America, with a view to their forfeiture, in the district court of the United States for the eastern district of Louisiana; that you do cite and admonish the owner or owners, and all and every other person or persons having or pretending to have any right or title in or to the same, to be and

appear before a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said 67 packages of goods, wares, and merchandise should not be decreed, forfeited, and be condemned and sold, agreeably to the prayer of the libellants; and how you have executed this attachment; that you make return according to law.

Witness the honorable Theo. H. McCabb, judge of the said court, [SEAL.] this fifth day of October, 1849, and the seventy-fourth year of the independence of the United States.

(Signed) ROBT. M. LUSHER,
D'y Clerk.

Marshal's return.

Rec'd 5th October, 1849, and on the October, 1849, attached the within described sixty-seven packages of merchandise in the hands of Samuel J. Peters, Esq., collector of the port, published monition, gave notice, and in all respects complied with the law and the commands of this warrant; and on the 19th October, 1849, the said described sixty-seven packages merchandise were delivered to Jules Levois, in obedience to the order of court hereunto annexed, and made part of this return.

(Signed) CHAS. A. LABEYAN,
D'y Marshal.

Return filed March 7, 1850.

(Signed) ROBT. M. LUSHER,
D'y Clerk.

Nota.—For order of court referred to as annexed, see pages hereof.

And afterwards, to wit: on the 11th day of October, 1949, came into the clerk's office, P. D. Duval, agent, &c., with Messrs. Benjamin & Micou as proctors, and caused to be then filed the following claim:

Claim.

THE UNITED STATES
vs.
SIXTY-SEVEN PACKAGES OF DRY GOODS, Marked, &c. } Information in rem.

And now comes Jules Levois, of New Orleans, and claims the goods, wares, and merchandise in the libel or information in this behalf mentioned, and particularly described, and alleges that he is the true and lawful owner of said goods, wares, and merchandise.

(Signed) BENJAMIN & MICOU,
Proctors.

Personally appeared Paulin D. Duval, who, being duly sworn, deposes that he is the agent and attorney in fact of J. Levois, now absent, and that the said J. Levois, the claimant aforesaid, is the true and lawful owner of the goods, wares, and merchandise seized herein and described in said information.

(Signed) P. D. DUVAL.

Sworn to and subscribed before me, at New Orleans, this 11th October, 1849.

(Signed) J. W. GURLEY,
U. S. Commissioner.

And afterwards, to wit: on the 15th day of October, A. D. 1849, appeared the said claimant by his said proctors, and filed in the clerk's office the following petition:

Petition for appraisment and delivery.

October 15.—On Bond.

To the honorable the judge of the district court of the United States for the eastern district of Louisiana:

The petition of Jules Levois, of New Orleans,

Respectfully shows, that he is the true and lawful owner of the sixty-seven packages of dry goods, marked [J L] and F. P., lately seized by the collector of the district and port of New Orleans, and now in custody of the marshal, in virtue of process issued from the said district court upon certain information, numbered 6621 upon the docket of said court, and that petitioner has filed his claim for said merchandise in due form. And your petitioner prays your honor to order the said merchandise to be delivered to him upon his executing a bond to the United States, with sureties, according to the statute in such case made and provided, and to that end that appraisers be appointed and sworn to estimate both the foreign and domestic value of said merchandise.

(Signed) BENJAMIN & MICOU,
Proctors.

The said petition bearing the following endorsements, viz: I accept service, to be presented to the judge in chambers.

(Signed) by LOGAN HUNTON,
E. A. BRADFORD,
10th October, 1849.

Let R. F. Canfield, R. Groning, and J. Riffard be appointed and sworn as appraisers, to value the property as herein prayed. On their report being received and bond given for the appraised value, with security, to be approved by the collector and his certificate, that

the entries have been paid, let the clerk of the U. S. district court issue the order for the delivery of the property to the claimant.

(Signed) THEO. H. McCABB,
U. S. District Judge, E. District of Louisiana.

October 11, 1849.

Whereupon, was recorded on the minutes of the court, at New Orleans, the following entry:

In chambers, parish of Washington, La., Thursday October 11, 1849, by the Hon. Theo H. McCabb.

Exchequer.

THE UNITED STATES OF AMERICA
vs.
SIXTY-SEVEN PACKAGES OF DRY GOODS,
61 [J L] &c., and 6 F. P.

6621.—Order of appraisement.

On reading of the petition of Jules Levois, of New Orleans, claimant of the said 67 packages of dry goods, brought to the notice of the court by his procters, Benjamin & Micou, it is ordered that R. F. Canfield, R. Groning, and J. Rifflard be appointed and sworn as appraisers to value the said merchandise as prayed for in said petition; and that upon their rendering their report, and the claimants giving bond for the appraised value of said goods, with security, to be approved by the collector of the port, and producing the said collector's certificate that the duties have been paid, the said sixty-seven packages now in the custody of the U. S. marshal, be delivered to Jules Levois, claimants, as aforesaid.

New Orleans, October 15th, 1849.

Attest:

ROBT. M. LUSHER,
D'y Clerk of the Court.

And thereafter, to wit: on on the 9th of October, 1849, were filed and recorded in the clerk's office, according to law:

1st.—Oath of Appraisers.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS,
viz: 61 marked [J L] &c., and 6 F. P.

We, the undersigned, having by his honor the judge of the district court of the United States for said district been named and appointed to appraise the said sixty-seven packages of dry goods now in the custody of the United States marshal, under process of attachment,

and "to estimate both the foreign and domestic value thereof," do so solemnly swear that we and each of us will well and truly and impartially, according to the best of our understanding and knowledge, perform the duty so imposed on us, and true report thereof render to the clerk of said court. So help us God!

(Signed) JOS. RIFFLARD,
" R. GRONING,
" R. F. CANFIELD.

By Jos. Rifflard and R. Groning, sworn to and subscribed this 15th day of October 1849; and by R. F. Canfield, the 16th October, 1849, Before

(Signed) ROBT. M. LUSHER,
D'y Clerk of the Court.

Nota Bena.—The 67 packages under seizure and to be appraised are described in the information as bearing the following marks:

Sixty-one packages thus: [J L] ‡ 1, 2, 3, 4, 5, 6, 7, 8, 9, 9½, 10, 11, 12, 13, 14, 15, 16, 16½, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 68, 69, 70, 71; and six thus: F P ‡ 89, 90, 91, 92, 93, 94.

Attest: (Signed) ROBERT M. LUSHER,
Deputy clerk United States district court.

2d.—Appraisement.

New Orleans, 19th October, 1849.

We and each of us appraise the sixty-seven packages dry goods described in the within order, the foreign value at three thousand three hundred and seventy-eight pounds eighteen shillings and ten pence, sterling, (£3378 18 10.) The domestic value at twenty-one thousand five hundred and sixty dollars fifty-four cents, ($21560 54.)

(Signed) R. F. CANFIELD,
JOS. RIFFLARD,
R. GRONING.

Filed October 19, 1849, and recorded.

And further, on the same day were produced and filed and recorded in the clerk's office the following:

1st.—Collectors and naval officer's certificates.

Custom House, New Orleans,
Collector's Office, October 18, 1849.

SIR: I hereby certify that the duties which would have accrued to the United States on 67 packages of merchandise imported from Liverpool by Mr. J. Levois, in the ship "Gossyppium," on the 3d

September last, had said merchandise been legally entered, have been secured by a deposit of money in my hands equivalent thereto.

(Signed) SAM. J. PETERS, *Collector.*

I certify that the duties on the 67 packages of merchandise, above described, have been secured as above stated.

(Signed) MANUEL J. GARCIA,
Naval officer.

2d.—Collector's approval of surcties on bond.

Custom house, New Orleans,
Collector's office, October 18, 1849.

The following persons have been submitted to me as securities of Mr. J. Levois, on the bond he proposes to furnish to the United States district court, in order to obtain possession of 67 packages merchandise seized, and conformably with the 89th section of the act of 2d March, 1799:

LOISON & SILVESTRE,
RICHARD & FESTI,
O. TALAMON,
L. HAAS,
T. MINVIELLE.

Which securities I consider ample.

(Signed) SAM. J. PETERS,
Collector.

Whereupon, on the same 19th day of October, 1849, was filed and duly recorded in the clerk's office the following

Bond for value on delivery.

UNITED STATES OF AMERICA,
Eastern district of Louisiana, to wit:

Know all men by these presents, that we, Jules Levois, Loison & Silvestre, Richard & Festi, O. Talamon, L. Haas, and T. Minvielle, are held and firmly bound unto the United States of America in the sum of twenty-one thousand five hundred and sixty dollars and fifty-four cents, to be paid to the said United States, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents, signed with our names, and dated the nineteenth day of October, in the year of our Lord one thousand eight hundred and forty-nine. Whereas, in the district court of the United States of America, for the said eastern district of Louisiana, there has lately, to wit, on the fifth day of October, A. D. 1849, been filed by Logan Hunton, Esq.,

attorney of the United States for the said district, for and on behalf of the said United States, an information, numbered 6621 of the docket, against sixty-seven packages of dry goods, marked [J L] (to the number of 61,) and F P (to the number of six,) for reasons and causes in the said information mentioned; and whereas, the said sixty-seven packages are now in the custody of the marshal of the said district, under the process issued in pursuance of the prayer of the said information; and whereas, the value of the said sixty-seven packages, as appears by the appraisement made by order of court, and now of record in the clerk's office, is the above specified sum of twenty-one thousand five hundred and sixty dollars and fifty-four cents. Now, therefore, the condition of this obligation is such, that, in case the said sixty-seven packages of dry goods shall, by the sentence, decree, or judgment of the said court, be condemned as forfeited, if the said Jules Levois, Loison & Silvestre, Richard & Festi, O. Talamon, L. Haas, and T. Minvielle, or either of them, or the heirs, executors, or administrators of the said so named obligors, or of either of them, shall thereupon pay into the said court the said sum of twenty-one thousand five hundred and sixty dollars and fifty-four cents, together with the costs which the said Jules Levois, as claimant of the said sixty-seven packages, ought, by reason of the condemnation thereof, to pay, then this obligation to be void; otherwise to remain in full force and virtue.

(Signed)	P. pro. J. LEVOIS,	P. D. DUVAL,	[L. S.]
"	P. p. O. TALAMON,	A. DISMAINS,	[L. S.]
"	P. p. L. HAAS,	C. SCHMIDT,	[L. S.]
"		T. F. MINVIELLE,	[L. S.]
"		RICHARD & FESTI,	[L. S.]
"		LOISON & SILVESTRE,	[L. S.]

Sealed, signed, and delivered in presence of
(Signed) L. L. LEVY,
(In Messrs. Benjamin & Micou's office.)

Recorded folio 469, record book.
(Signed) ROBERT M. LUSHER,
Deputy clerk of the court.

And thereupon, on the said 19th day of October, 1849, was issued from the clerk's office the following

Order of delivery.

(Referred to in marshal's return on the attachment,) folio .

UNITED STATES OF AMERICA,
Eastern district of Louisiana, ss:

The President of the United States of America, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

Whereas, in the district court of the United States in and for the eastern district of Louisiana, the 67 packages of dry goods now in your custody, on information filed by the United States, on the 5th of October, 1849, No. 6621 of the docket, have been bonded by Jules Levois, claimant thereof, in the sum of $21,560 54—the appraised value of the same, according to the orders of the court and according to law,—you are hereby commanded, conformably to law and the order of the said court, to cause the said 67 packages aforesaid to be delivered to the said Jules Levois, and hereon make return of your doings in the matter.

Witness, the Hon. Theo. H. McCabb, judge of the said court, at New Orleans, this 19th day of October, A. D. 1849, and [SEAL.] 74th year of the independence of the United States of America.

(Signed) ROBT. M. LUSHER,
Deputy clerk.

Endorsed: Recorded October 19, 1849.
(Signed) CHARLES A. LABEYAN.
Deputy marshal.

And be it also remembered, that afterwards, to wit: on the seventh day of November, A. D. 1849, the attorney of the United States again appeared, and caused to be filed in the clerk's office, under the 14th section of the act of July 14, 1832, and 66th section of the act of March 2d, 1799, an

Amended and supplemental libel,

bearing the following endorsement:

"Let this supplemental libel be filed as part of the original."
(Signed) THEO. H. McCABB,
United States Judge.

And which *amended and supplemental libel* is in the words following, that is to say:

UNITED STATES DISTRICT COURT,
Eastern district of Louisiana.

THE UNITED STATES
vs.
SIXTY-SEVEN PACKAGES DRY GOODS.

And now comes the United States, by their attorney, Logan Hunton, and by leave of the court files the following counts, by way of amendment to the said libel of information, and charges that the said goods, wares, and merchandise were seized and forfeited; also, for that heretofore, that is to say, on the third day of September, in the year of our Lord one thousand eight hundred and forty-nine, the

said goods, wares, and merchandise being subject to the payment of ad valorum duties, on being imported into the United States, and being composed wholly or in part of wool or cotton, were imported in a ship or vessel called the "Gossyppium," from a foreign port or place, to wit: the port of Liverpool, in the kingdom of Great Britain, into the port of New Orleans, in the said collection district. And afterwards, to wit: on the seventh day of September, an entry of the said goods, wares, and merchandise, duly signed, was made at the office of the collector of customs aforesaid; and on such entry being made, a certain invoice of the said goods, wares, and merchandise was produced and left with the said collector; and the said collector afterwards, to wit: on the day and year last aforesaid, and at the port aforesaid, according to the statutes of the United States in such case made and provided, caused the packages of the said goods, wares, and merchandise to be opened and examined; and upon such examination the said packages were then and there found to have been made up with intent to evade and defraud the revenue of the United States, contrary to the form of the statute in such case made and provided; whereby, and by force of the statutes in such case made and provided, the said goods, wares, and merchandise became and are forfeited to the uses in the said statutes specified.

2d. And also, for that the said goods, wares, and merchandise are of the growth, produce, and manufacture of some foreign place or country, to the said attorney unknown, and were, on the third day of September, in the year of our Lord one thousand eight hundred and forty-nine, brought or imported in a ship or vessel called the Gossyppium, from a foreign port or place, to wit: the port of Liverpool, in the kingdom of Great Britain, to the port of New Orleans, in the district of Louisiana, which said goods, wares, and merchandise are subject to the payment of duties to the United States, in being brought and imported as aforesaid. That an entry of the aforesaid goods, wares, and merchandise, duly signed, was, at the time of said importation thereof, made at the office of the collector of customs of the port of New Orleans and district aforesaid, and that on such entry being made, as aforesaid, an invoice of the goods, wares, and merchandise, included in such entry, was produced and left with the said collector of the customs of the port of New Orleans and district of Louisiana. And the said attorney avers that the aforesaid goods, wares, and merchandise, which were so entered as aforesaid, and of which an invoice was so produced and left as aforesaid, "were not invoiced according to the actual cost thereof at the place of exportation, but, on the contrary, were, in fact, invoiced at less sums than the actual cost thereof at the place of exportation, with design to evade the duties thereupon," or some part thereof, against the form of the statutes of the United States in such cases made and provided; whereby, and by force of the statutes in such cases made and provided, the said goods, wares, and merchandise became and are for-

feited. Wherefore, the said attorney of the United States prays that this amended and supplemental libel of information be filed, and that the original libel of information be sustained; and he further prays the consideration of this honorable court in the premises, and for monition and other proper process, to the end that the said sixty-seven packages of merchandise—of goods, wares, and merchandise—marked, numbered, and described in the original libel, may be and remain forfeited, and be condemned by the definitive sentence and decree of this honorable court as forfeited to the use of the United States of America, according to the statutes in such cases made and provided.

(Signed) LOGAN HUNTON,
United States Attorney, Eastern District Louisiana.

And copies of the foregoing amended and supplemental libel having thereupon been issued from the clerk's office, was afterwards duly registered of service the following

Marshal's return.

Rec'd 7th November, 1849; and on the 8th of November, 1849, served a copy of the within supplemental and amended libel on Jules Levois, by handing the same to him in person at New Orleans.

Returned 9th November, 1849.

(Signed) N. W. BUTLER,
Dep. U. S. Marshal, Eastern District of Louisiana.

Return registered November 9, 1849.

(Signed) ROBT. M. LUSHER, *D'y Clerk.*

And afterwards, to wit: on the eighth day of November, A. D. 1849, appeared Jules Levois, claimant, by his counsel, Messrs. Benjamin & Micou, and filed in the clerk's office the following

Answer.

UNITED STATES DISTRICT COURT.

THE UNITED STATES
vs.
SIXTY-SEVEN PACKAGES DRY GOODS.

And now comes into court Jules Levois, the claimant herein, and denies all and singular the allegations in the aforesaid information or petition contained and set forth, and demands the trial of said allegations according to law.

(Signed) BENJAMIN & MICOU, *of Counsel.*

And afterwards, at a special session of the court held on Tuesday, the 4th December, 1849—present the Hon. Theo. H. McCabb—was entered, in behalf of the appraisers, the following rule, viz:

THE UNITED STATES
vs.
67 PACKAGES OF DRY GOODS, &c. } No. 6621.

On motion of R. F. Canfield in P. P., for and on behalf of himself, R. Groning & Joseph Rifflard, appointed by this court, on the 11th October last, to estimate the foreign and domestic value of the goods seized under the process issued in this case; and on his suggesting that the claimant, on bonding the said goods, paid into the hands of the U. S. marshal, among other costs, the sum of one hundred dollars for the appraisement thereof, it is ordered by the court that the United States plaintiffs do, by their attorney, Logan Hunton, Esq., show cause on Saturday next, the 8th instant, at noon, why the said sum of one hundred dollars should not be paid by the marshal to said appraisers, as their fee for the services rendered, to wit: the sum of thirty-three and one-third dollars to each of them.

And thereafter, to wit: on the said eighth day of December, A. D. 1849, was filed in court in evidence the following

Consent by claimant as to payment of $100 *to appraisers.*

THE UNITED STATES
vs.
67 PACKAGES OF DRY GOODS. }

As proctors for the claimant, we consent and agree that the charge made by the appraisers in this case may be allowed by the court, and may be ordered to be paid.

November 19, 1849.

Signed) BENJAMIN & MICOU.

Whereupon, on the said eighth day of December, A. D. 1849, Saturday—present, Hon. Theo. H. McCabb—at a special session of the court, was rendered and duly entered the following

Order of compensation.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS, &c. }

The rule entered herein on the 4th instant came regularly up for hearing to-day—the plaintiff in rule present, the attorney of the United States not appearing—when it being shown to the satisfaction of the court that the appraisers are justly entitled to the amount claimed by them, and the claimant of the said goods, for and on whose behalf the appraisement was made, consenting in writing that such amount be allowed them, it is therefore ordered that the said rule be made absolute, and that the U. S. marshal pay over to the said appraisers the sum of one hundered dollars already collected by him, as their

fee, to wit: the amount of thirty-three and one-third dollars to R. F. Canfield, R. Groning, and Joseph Rifflard, respectively.

And afterwards, at the February term, A. D. 1850, of the said court, to wit: on Wednesday, the 27th February, 1850—present, Hon. Theo. H. McCabb—was duly entered of record the following

Order for fixing cause for March 6th.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS. } 6621.

On motion of the attorney of the United States, Logan Hunton, Esq., it is ordered that this cause be set down for trial during the coming week, on Wednesday, the 6th March proximo, and that notice thereof be issued to the claimant's proctor.

And further, at the same term, and on the said sixth day of March, A. D. 1850—present, Hon. Theo. H. McCabb—was duly entered of record the following

Continuance until 12th instant.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS. } 6621.

Pursuant to the order entered on the 27th ultimo, this case was to-day called up for hearing, when, by consent of parties, it was continued until Tuesday, the 12th instant, at 10 a. m.

And further, at the same term, and on Monday, March 18th, 1850—present, Hon. Theo. H. McCabb—was duly entered on the minutes of the court the following

Order fixing cause for 21st instant.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS. }

On motion of the United States attorney, and on his suggesting that the cause is now ready for trial, it is ordered that it be set down and assigned for trial on the issue joined, on Thursday, the 21st instant, at 10 a. m., and that the claimants be notified thereof.

Special jury.

And it is further ordered that a venire issue, commanding the marshal to summon twenty-four good and lawful men, to be in attendance on said day, to serve as petit jurors for the term in said cause.

Whereupon, on the same day, was issued from the clerk's office the following writ of

Venire.

The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded to summon twenty-four good and lawful men, to be and appear at the district court of the United States of America, for the eastern district of Louisiana, to be holden at the city of New Orleans, in the district aforesaid, at 10 o'clock a. m. on the 21st day of March, in the year of our Lord one thousand eight hundred and fifty, to serve as petit jurors for the February session, 1850, of the said court. Herein fail not, on pain of the penalty that will fall thereon.

March 18, 1850. By order. Attest:

(Signed) ROBT. M. LUSHER,
Deputy clerk.

Whereon, on the 21st day of March, 1850, was duly registered in court the following

Marshal's return.

Rec'd March 18th, 1850, and thereupon notified the twenty-four good and lawful men named within, in the manner as in the reverse hereof specified, to serve as petit jurors for the February term of the district court of the United States, for the eastern district of Louisiana, according to the within mandate.

(Signed) N. W. BUTLER,
Deputy United States marshal.

Returned March 21st, 1850.

List of jurors and manner of service.

1. Joseph H. Moore,	Left notice at his office.
2. H. Kendall Carter,	Served p'ly.
3. R. C. Armistead,	do p'ly.
4. R. G. Hobbs,	do p'ly.
5. R. M. Ellis,	Left notice at office.
6. Isaac Bridge,	Served p'ly.
7. Alexander Hill,	Left notice at his office.
8. R. C. Hammett,	Served p'ly.
9. John A. Turnell,	do p'ly.
10. Peter Lott,	do p'ly.
11. John E. Hyde,	do p'ly.
12. Wm. H. Cook,	do p'ly.
13. Henry Savage,	Left notice at his office.

14. I. W. Arthur,	Served p'ly.
15. Geo. W. Givens,	do p'ly.
16. Wm. J. Dewey,	Left notice at his office.
17. James F. Carothers,	do do do.
18. George Foster,	Served p'ly.
19. M. Huntington,	do p'ly.
20. David Orcutt,	do p'ly.
21. W. S. Brown,	Not found.
22. Henry E. Spearing,	Left notice at his office.
23. Benj. F. Fox,	Served p'ly.
24. Louis Lebean,	do p'ly.

And at the same February term, and on the said 21st March, 1850—present, Hon. Theo. H. McCaleb—were had and recorded the following proceedings:

THE UNITED STATES vs. 67 PACKAGES DRY GOODS. } 6621.

This cause came regularly up for hearing to-day, Logan Hunton, Esq., United States attorney, appearing for the libellants, and J. P. Benjamin, Esq., as proctor for Jules Levois, claimant of the said goods.

The following named jurors, (of the panel selected by the marshal under the venire issued on the 18th inst.,) viz: H. Kendall Carter, R. C. Armistead, Alexander Hill, R. C. Hammett, Peter Lott, I. W. Arthur, Geo. W. Givens, George Foster, M. Huntington, David Orcutt, Henry E. Spearing, and Benjamin F. Fox, were empannelled and sworn to try the issue joined. Testimony was then heard on behalf of the United States; and the claimant offering none, the evidence closed; when, on submitting the case on the facts adduced, the proctor for the claimant asked the court to charge the jury that the sections of the acts under which this suit has been instituted, have been repealed by the provisions of the act of 30th August, 1842. The matter, thus presented, was argued at length by the said proctor, who was replied to by the United States attorney; when the further hearing thereof was continued until to-morrow, the 22d instant, at 10 o'clock, a. m., until which time the jury was discharged.

And further, at the same term, and on Friday, the said 22d instant, March, 1850, were had and recorded the following proceedings, viz:

THE UNITED STATES vs. 67 PACKAGES DRY GOODS. } 6621.

The jury herein empannelled being present, the hearing of the

matters at bar, opened on yesterday, was resumed; J. P. Benjamin, esq., continuing the argument on behalf of the claimant, and Logan Hunton, esq., U. S. attorney, concluding for the United States; when, after explanations by the proctor for the claimant, the court took the matter under advisement, and discharged the jury until Monday next, the 25th instant, at 9½ o'clock, a. m.

And further, at the same term, and on the said Monday, March 25th, 1850—present, Hon. Theo. H. McCaleb—were had and recorded the following proceedings and

Verdict.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS. } 6621.

All the jurors herein empannelled being present, with the exception of I. W. Arthur, whose presence was by consent of counsel waived—L. Hunter, Esq., attorney for the United States, and J. P. Benjamin, Esq., proctor for the claimant; the court thereupon declared, that after a careful consideration of the statutes and authorities adduced, it had come to the conclusion that the grounds urged by the proctor for the claimant were well founded, and therefore charged the jury in conformity to the instructions tendered to the court by said proctor. Whereupon, the attorney of the United States gave notice that he would file a bill of exceptions to said charge. And the case having thus been submitted to the jury, and R. E. Hammett, Esq., appointed foreman, they thereupon, without leaving their seats, rendered their verdict in the words and figures following, to wit: "We, the jury, find for the claimant. March 25, 1850." "R. E. Hammett, foreman;"—which verdict was ordered to be recorded, and the jury discharged indefinitely.

Judgment.

THE UNITED STATES
vs.
SIXTY-SEVEN PACKAGES DRY GOODS. } No. 6621.

And the court, considering the law and the verdict of the jury, doth now order, adjudge, and decree that judgment be entered up in favor of the claimant and against the United States, and that the libel of information herein be dismissed, with costs.

Nota.—For engrossed judgment as signed, *se* folio 25.

And afterwards, at the same February term, and on Tuesday, March 26th, 1850—present, Hon. Theo. H. McCaleb—was entered and recorded in the minutes of the court the following

Rule for new trial.

THE UNITED STATES
vs.
67 PACKAGES OF DRY GOODS. } No. 6621.

On motion of L. Hunton, Esq., United States district attorney, it is ordered that the claimant show cause on Saturday, the 6th day of April, proximo, why a new trial should not be granted herein for the following reasons:

1st. Because the court erred in its instructions to the jury.

2d. Because the verdict of the jury is against the law and the evidence.

And further, at the same term, and on Saturday, the said 6th of April, 1850—present, Hon. Theo. H. McCaleb—were had and duly recorded the following proceedings, viz:

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS. } 6621.

The rule herein entered on the 26th ult. for a new trial came regularly up for hearing to-day, and was argued at length by the U. S. attorney in support of, and by J. P. Benjamin, Esq., proctor for the claimant, in opposition to, the grounds therein set forth; when the court took the matter under advisement.

Same case. }

The proctor for the United States tendered to the court his bill of exceptions to the instructions and charge delivered to the jury on the 25th ultimo, which was thereupon signed by the judge; and it was agreed by the parties and ordered that said bill of exceptions (so tendered, signed, and filed) shall have the same effect as though it had actually been tendered, signed, and filed in the record on the trial of the cause; and in the words following is the

Libellant's bill of exceptions.

THE UNITED STATES
vs.
67 PACKAGES DRY GOODS. }

Be it remembered, that on the trial of this cause the plaintiff offered in evidence the following documents, numbered as follows:

No. 1. Warehouse entry of five packages with extract invoice.
" 2. Import entry of sixty-two packages.

No. 3. Report of U. S. appraisers.
" 4. U. S. appraiser's valuation.
" 5. Merchant appraiser's do.
" 6. Copy of interrogatories propounded by appraisers to P. D. Duval.
" 7. Call for letters.
" 8. Call for reply to interrogatories.
" 9. Letter from Mr. Duval to U. S. appraisers.
"10. Paper found by appraisers in case No. 81.
"11. Invoice in which the entries were made.

The following witnesses were introduced:

R. J. Canfield, who stated that he was one of the appraisers in the custom-house of New Orleans, proved the several documents offered in evidence; that P. D. Duval, the partner or agent of claimant, made the entry at the custom-house; his refusal to answer the interrogatories propounded; stated that from his experience as appraiser he was familiar with the valuation and cost of such goods as were contained in the invoice on which the entries were made; stated that the goods were invoiced at less than the actual cost as he believed, and at less than their actual value in the foreign market from whence they were imported, to the extent shown by the valuation offered in evidence; that he had made a particular examination of the several packages seized. He proved that the paper marked No. 10 was found by appraisers in case No. 81, and that the same articles contained in that paper were invoiced at

Philip Simms, A. Duthel, E. D. Hyde, Mr. Letchford, were also introduced as witnesses on part of United States, all of whom were importing merchants in the city of New Orleans, and had imported like goods as those seized from Liverpool about the same time; some had received importations by the same ship that brought out those in controversey; all of them confirmed the merchants' valuation as shown in paper No. 5, and concurred in saying that the said goods were invoiced at least 25 per cent. lower than actual cost or value in the foreign market. It was proven that cotton goods had advanced during the spring and summer of 1849. Mr. Rifflard said that all of the goods in the invoice were invoiced at less than the actual value; some of them, however, not more than 10 or 15 per cent., in his judgment. And thereupon, the court instructed the jury as follows, viz:

1. That the 66th section of the act of Congress of the 2d March, 1799, in so far as it imposes the penalty of forfeiture of any goods, wares, and merchandise, of which entry shall have been made in the office of a collector, and which shall not be invoiced according to the actual cost thereof, is inconsistent with, and repugnant to, the 13th and 15th sections of the act of 1st March, 1823, imposing a penalty of additional duties on goods entered under fraudulent invoice;

and in so far as said inconsistency and repugnancy existed, the said act of 1799 was repealed by said act of 1823.

2. That the said 66th section of the act of Congress of the 2d March, 1799, was, to the same extent as aforesaid, repugnant to and inconsistent with the 17th section of the act of 30th August, 1842, and is to the same extent repealed by said act of 1842.

3. That the proceedings directed and authorized by the 17th section of the act of 1843 having been proved by the United States to have taken place against the merchandise therein alleged to be forfeited to the government, it was the duty of the collector to have levied and collected the additional duty which, by said 17th section, is imposed as a penalty on goods which shall be appraised, estimated, and ascertained to exceed the invoice value; that said penalty is inconsistent with, and repugnant to, the penalty of forfeitures as imposed by any preceding law of Congress; that the said section of said act of 1842, and the other sections of said last named act, do by implication repeal all previous provisions of all acts of Congress imposing the penalty of forfeiture of merchandise which is falsely valued in an invoice, or of which the actual cost has not been stated in the invoice under which their entry is made.

And also instructed the jury that there was at present no law in force authorizing the forfeiture of the said goods for the causes set forth in the libel. To which instructions and charge, the United States by their attorney except, and pray that this bill may be signed, sealed, and entered of record; which is done.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

Signed, sealed, and filed, April 6th, 1850.

(Signed) ROBERT M. LUSHER,
D'y Clerk of the court.

And thereafter, at the same February term, and on Wednesday, April 10th, 1850—present Hon. Theo. H. McCaleb—was rendered by the court, and duly recorded, the following

Order overruling motion for new trial.

THE UNITED STATES
vs.
SIXTY-SEVEN PACKAGES DRY GOODS. } 6621.

Having carefully considered the grounds urged by the United States for a re-hearing of this cause, and the arguments of counsel thereon, and being satisfied that the instructions of the court and the verdict of the jury heretofore entered are conformable to the law, it is now ordered and decreed that the motion for a new trial be overruled, and that the judgment rendered and recorded on the 25th March last stand as the final judgment of this court.

Wherefore, on the said tenth day of April, A. D. 1850, was duly engrossed and signed, in the words following, the

Judgment of the court.

February term—1850.

Monday, March 25th, 1850—present, Hon. Theo. H. McCaleb.

THE UNITED STATES
vs.
67 PACKAGES OF DRY GOODS. } 6621

The jury herein empannelled and sworn, having this day, under instructions from the court, rendered their verdict as follows, viz: "We, the jury, find for the claimant," and the court having thereupon considered the law and said verdict, it is now ordered, adjudged, and decreed, that judgment be entered up in favor of the claimant, and against the United States, and that the libel of information herein be dismissed with costs. Judgment rendered March 25th, 1850, and motion for new trial having been overruled, signed April 10th, 1850.

(Signed) THEO. H. McCALEB, [SEAL.]
United States Judge.

Finis.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify that the foregoing thirty folios manuscript, annexed to a certain original writ of error, issued out of the circuit court of the United States for the said district, over date of 15th April, 1850, contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in said court, of which I am clerk, in a certain cause at common law, wherein the United States of America are libellants, and Jules Levois, as claimant of sixty-seven packages of dry goods libelled, is respondent, No. 6621 of the docket, excepting only from such record the eleven documents referred to in libellant's bill of exceptions, appearing on folio 26 of this transcript; which said documents are numbered, as therein stated, 1 to 11, and endorsed, each of them, as "in evidence, March 21st, 1850, in United States district court."

In testimony whereof, I do hereunto set my hand and affix the seal of said United States court, at New Orleans, the 20th day of April, A. D. 1850, and 74th year of American independence.
[SEAL.]
N. R. JENNINGS, *Clerk.*

I, Theodore Howard McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness hereto my hand and seal, at New Orleans, this 20th day of April, 1850.

THEO. H. McCALEB, [SEAL.]

The following endorsement is made on the foregoing transcript, viz:

"And now comes the said plaintiff, and says that there is error in the foregoing transcript and proceedings, in this, that the court erred in its instructions to the jury; wherefore, the United States prays that the said judgment rendered herein may be reversed.

"L. HUNTON, *U. S. Attorney.*

"April 20, 1850."

"And the said plaintiff, by its attorney, further says, that each and every order, judgment, and opinion of the said court, given and rendered in the said case, is erroneous and illegal. Wherefore, &c.

"L. HUNTON, *U. S. Attorney.*"

"April 22, 1850."

Citation in error.

The President of the United States of America, to Jules Levois, claimant of sixty-seven packages dry goods libelled in the district court of the United States, for the eastern district of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a circuit court of the United States, to be holden at the city of New Orleans, on the fourth Monday of April instant, pursuant to a writ of error filed in the clerk's office of the district court of the United States for the eastern district of Louisiana, wherein the United States of America are plaintiffs in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness hereto my hand, and the seal also affixed of the said district court of the United States, at New Orleans, the sixteenth day of April, in the year of our Lord one thousand eight hundred and fifty.

THEO. H. McCALEB, *U. S. Judge.*

Attest: ROBERT M. LUSHER, [SEAL.]

Deputy clerk of the court.

Marshal's return endorsed on the foregoing citation.

Rec'd April 16th, 1850, and on the same day served copy of the within citation in error on Jules Levois, by handing the same to Pauline Duval, his agent and his attorney, No. 47 Chartres street, New Orleans, said Jules Levois being absent at the time.

JULIEN BOUNY,
United States Deputy Marshal.

Rec'd April 19th, 1850.

And afterwards, to wit: on the 4th day of May, 1853, the following entry was made on the minutes:

April term, A. D. 1853. New Orleans, 4th May, A. D. 1853.

Court met pursuant to adjournment. Present, Hon. J. A. Campbell, presiding judge; absent, Hon. Theo. H. McCaleb, associate judge.

UNITED STATES, Plaintiffs in Error,
vs.
67 PACKAGES DRY GOODS—J. Levois, claimant. } No. 1947.—On appeal in admiralty.

This cause was taken up for trial, and, after argument by L. Hunton, Esq., representing the district attorney on behalf of the plaintiffs, and by J. P. Benjamin, Esq., on part of the claimant, was submitted to the court, and taken under advisement.

And afterwards, to wit: on the 10th day of May, A. D. 1853, the court rendered a final decree in the case, which duly entered of record in the minutes; and on the 18th day of said May, A. D. 1853, the said final decree was engrossed and signed, and, as thus signed, is of record in the judgment docket, in the words and figures following, to wit:

April term, A. D. 1853. New Orleans, 10th May, A. D. 1853.

Court met pursuant to adjournment. Present, Hon. J. A. Campbell, presiding judge; absent, Hon. Theo. H. McCaleb, district judge.

THE UNITED STATES Plaintiffs in Error,
vs.
67 PACKAGES DRY GOODS—Jules Levois, claimant. } 1947.

This cause came on to be heard at this term on the transcript of the record from the district court, and was argued by counsel; on consideration whereof, it is now ordered, adjudged, and decreed that the judgment of the district court be affirmed,

Judgment rendered 10th May, A. D. 1853. Judgment signed 18th May, A. D. 1853.

J. A. CAMPBELL, *Judge.*

Petition for writ of error—filed 20th May, A. D. 1853.

UNITED STATES, Plaintiffs in Error,
vs.
67 PACKAGES DRY GOODS—Jules Levois, claimant.

To the honorable the circuit court of the United States, for the fifth circuit and eastern district of Louisiana:

The plaintiffs herein by their attorney, E. Warren Moise, respectfully represents that they are informed and believe that there is error to their injury in the judgment rendered in the above entitled cause; wherefore, said plaintiffs pray that a writ of error be allowed them, returnable to the next term of the Supreme Court of the United States.

E. WARREN MOISE,
U. S. Attorney.

And on the 20th day of May, A. D. 1853, the following order was made by the court, and duly entered of record in the minutes:

THE UNITED STATES, Plaintiffs in Error,
vs.
67 PACKAGES OF DRY GOODS—Jules Levois, claimant. } No. 1947.

On motion of E. W. Moise, U. S. district attorney, and on his presenting and filing a petition on behalf of the plaintiffs praying a writ of error from the judgment herein rendered against them to the Supreme Court of the United States, it is ordered that the same be allowed, returnable to the next term of that court.

UNITED STATES OF AMERICA,
Circuit Court of the United States,
Fifth Circuit and Eastern District of Louisiana.

Clerk's Office.

I, John W. Gurley, clerk of the circuit court of the United States, for the fifth circuit and eastern district of Louisiana, do hereby certify that the foregoing 29 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had in the case of the United States, plaintiffs in error, vs. 67 Packages of Dry Goods—Jules Levois, claimant, No. 1947 of the docket, so far as the same now remain of record or on file in said court.

[SEAL.] Witness my hand and the seal of said court, at the city of New Orleans, this 10th day of June, A. D. 1853.

J. W. GURLEY, *Clerk.*

I, Theodore H. McCaleb, United States judge for the eastern district of Louisiana, do hereby certify, that John W. Gurley, whose name is signed to the above certificate as clerk of the circuit court

of the United States for the fifth circuit and eastern district of Louisiana, was, at the time of signing said certificate, and is now, the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand and seal, at the city of New Orleans, in said district, this 10th day of June, A. D. 1853.

THEO. H. McCALEB, [SEAL.]
U. S. Judge.

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the honorable the judges of the circuit court of the United States in and for the fifth circuit, and holding sessions for the eastern district of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or one of you, between the United States of America and Sixty-seven Packages of Dry Goods, Jules Levois, claimant, a manifest error hath happened, to the great damage of the said United States of America, as by their complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of December next, in the said Supreme Court, to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness, the honorable Roger B. Taney, Chief Justice of the said Supreme Court of the United States, this 28th of May, in [SEAL.] the year of our Lord one thousand eight hundred and fifty-three.

J. W. GURLEY,
Clerk of the United States Circuit Court
for Eastern District of Louisiana.

UNITED STATES CIRCUIT COURT.

UNITED STATES
vs.
SIXTY-SEVEN PACKAGES DRY GOODS,
Jules Levois, claimant.
} No. 1947.—Writ of error.

Copy of writ of error lodged in the clerk's office of the circuit court of the United States, for the fifth circuit and eastern district of

Louisiana, in pursuance the statute in such cases made and provided, this day of

Attorney of plaintiff in error.

Filed 28th May, 1853.

J. W. GURLEY, *Clerk.*

THE UNITED STATES OF AMERICA.

The President of the United States, to Jules Levois, claimant of Sixty-seven Packages of Dry Goods, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein the United States of America are plaintiffs in error, and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, this thirtieth day of May, in the year of our Lord one thousand eight hundred and fifty-three.

J. A. CAMPBELL,
Associate Justice.

UNITED STATES CIRCUIT COURT.

UNITED STATES
vs.
67 PACKAGES DRY GOODS,
Jules Levois, claimant.
} No. 1947.—Citation in error.

Marshal's return.

Rec'd May 30, 1853; and on the 31st of May, 1853, I served a copy of the within citation in error on Benjamin & Micou, by handing the same to J. P. Benjamin in person, in the city of New Orleans, May 31st, 1853, and pretd. same day.

M. MARIGNY, *U. S. Marshal.*
By EMILE MARY, *Deputy Marshal.*